

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ADAM JOSEPH RESOURCES (M)
SDN. BHD.

Plaintiff,

VS.

CNA METALS LIMITED

Defendant.

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C.A. NO. _____

APPLICATION TO CONFIRM FOREIGN ARBITRATION AWARD

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff, Adam Joseph Resources (M) Sdn. Bhd., and moves to confirm a foreign arbitration award entered in its favor against Defendant, CNA Metals Limited, as follows:

I.
PARTIES

1. Plaintiff, Adam Joseph Resources (M) Sdn. Bhd., ("AJR") is a foreign business entity incorporated and based in Malaysia with its principal place of business in Malaysia.

2. Defendant, CNA Metals Limited, ("CNA") is a Texas corporation located in this District and Division and may be served with Summons in this matter and this Application by serving its registered agent, Neha Agrawal, at 4800 Sugar Grove Blvd., Suite 475, Stafford, Texas 77477 or wherever she may be found.

II.
JURISDICTION & VENUE

3. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331 because the action arises under the Constitution, laws, or treaties of the United

States, specifically 9 U.S.C. § 201-208, the United Nations Convention on the Recognition and Enforcement of Foreign Arbitration Awards.

4. Venue in this District and Division is proper pursuant to 9 U.S.C. § 204 because the controversy giving rise to the Arbitration Award sought to be confirmed herein, save for the applicable arbitration provision, could have be brought in this District and Division.

III. **FACTS**

5. AJR and CNA entered into a Purchase Order Agreement dated October 8, 2010 whereunder AJR agreed to purchase and CNA agreed to sell and deliver to AJR, certain quantities of insulated copper wire pursuant to the terms and conditions of the Purchase Order.

6. The Purchase Order further provides that any disputes arising under the Purchase Order which cannot be resolved within a reasonable period of time shall be decided in accordance with the Rules for Arbitration of the Regional Centre for Arbitration, Kuala Lumpur. A true and notarized copy of the Purchase Order is attached hereto as Exhibit "A".

7. A dispute between the parties did arise under the Purchase Order and was submitted to Regional Centre for Arbitration, Kuala Lumpur, for resolution as required by the Purchase Order and as agreed to by the parties.

8. On December 30, 2015, the Regional Centre for Arbitration, Kuala Lumpur, entered a Final Award, Save As To An Award On Costs, in favor of AJR awarding it \$46,341.25 to be paid within 21 days of CNA's receipt of said Award. A true and notarized copy of the Final Award, Save As To An Award on Costs is attached hereto

as Exhibit "B".

9. CNA did pay AJR the \$46,341.25 awarded AJR by the Kuala Lumpur Arbitral Tribunal.

10. Thereafter on April 15, 2016, the Kuala Lumpur Arbitral Tribunal entered a Final Award On Costs awarding AJR costs in the amount of \$66,534.17 to be paid within 21 days of CNA's receipt of said award. A true and notarized copy of the Final Award On Costs is attached as Exhibit "C".

11. Many days in excess of 21 days have elapsed following CNA's receipt of the Final Award On Costs and CNA has not paid the said Award.

12. AJR has since made repeated demands upon CNA to pay the Final Award On Costs but CNA refuses and continues to refuse making this suit necessary.

**IV.
APPLICATION FOR CONFIRMATION AND ENTRY OF JUDGMENT**

13. An application to confirm a foreign arbitration award is timely providing it is filed within three years of the date the Final Award On Costs was made.

14. AJR's application to confirm its Final Award On Costs is timely.

15. AJR requests this Court to confirm the Final Award On Costs in the amount of \$66,534.17 entered in its favor by the Kuala Lumpur Arbitral Tribunal and to enter Final Judgment in said amount in AJR's favor against CNA pursuant to this Application.

**V.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Adam Joseph Resources (M) Sdn. Bhd., prays that this Court:

a) Confirm the Final Award On Costs attached hereto as Exhibit "C";

b) Enter Final Judgment in the amount of \$66,534.17 in favor of Adam Joseph Resources (M) Sdn. Bhd. against CNA Metals Limited pursuant to the Final Award On Costs ; and

c) Award Plaintiff such other and further relief as the justice of the case requires.

Respectfully submitted,

By: /s/ James R. Koecher

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